

COPY

UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

LORI DRING and NANCY ASARO, :
Plaintiffs :
vs. : CASE NO.: 3:15-CV-00478-ARC
ARIEL LAND OWNERS, INC., : (JUDGE CAPUTO)
Defendant :

844

DEPOSITION OF: ROBERT SWINGLE

DATE: Friday, September 30, 2016

LOCATION: Rosenn, Jenkins & Greenwald
15 South Franklin Street
Wilkes-Barre, PA

BEGINNING: 12:25 p.m.

TAKEN BEFORE: Jacqueline A. Grabski
Certified Court Reporter

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Exhibit "A"

1 know the answer or don't remember the answer, then that's  
2 the answer that you would give to the question.

3 A I understand.

4 Q Thank you. So can you describe for me the  
5 property that you sold to Ariel Land Owners in either 2003  
6 or 2004?

7 A What is known now as Cardinal Lane was as long  
8 as I have memory it was a part of the farm. I don't  
9 know how it ever became a part of the farm, but it just  
10 always was as long as I knew of it and my understanding  
11 was that it wasn't included in the properties that were  
12 sold to Culotta. And I say that because to the best of  
13 my knowledge, it was never specifically stated at the  
14 closing that it was part of the properties that were  
15 being sold. It was never mentioned by name as Cardinal  
16 Lane was being part of it. As I said, there were parts of  
17 the farm that I retained for myself. There was about an  
18 acre of land that was adjacent to Cardinal Lane on the  
19 side of it going down toward the lake that I retained for  
20 myself.

21 Q So you retained about - retained from the sale  
22 to Culotta about one acre of land that was alongside of  
23 Cardinal Lane.

24 A That was on a separate deed so it wasn't  
25 included in the rest of the farm.

1           Q     Was that on the north side of Cardinal  
2 Lane?

3           A     It was - well, Cardinal Lane is on the north  
4 side of Advent Road, the highway that runs along there,  
5 and it runs down toward the lake.

6           Q     So as you're facing the lake -

7           A     It's on the north side. So facing the lake,  
8 this would be on the east side, my little acre.

9           Q     It would be on the right side ---

10          A     On the right side.

11          Q     --- if you were facing the lake along the right  
12 side of Cardinal Lane.

13          A     Exactly, yes.

14          Q     And Cardinal Lane itself was not - was part of  
15 the farm, correct, according to your recollection?

16          A     It was, yes.

17          Q     So how did you separate Cardinal Lane from the  
18 two hundred and seventy-five acres that were sold to  
19 Culotta?

20          A     Well, it was just my understanding that it  
21 wasn't included and it wasn't mentioned at the closing  
22 that it was included and I - my belief that it wasn't was  
23 confirmed when Attorney Lehutsky said that in essence  
24 that I had the right to sell it. I assumed that he  
25 had looked into it and - and determined that it was